

Entered - 01/13/99 - sb  
CL99L0005 - DIANNE C. MITCHELL

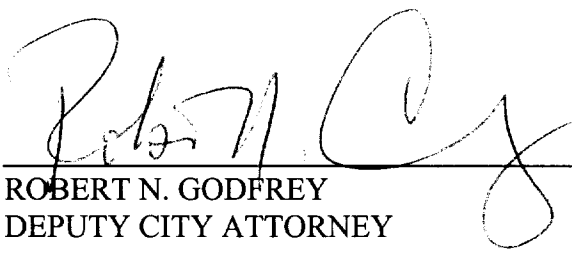
01-R-0026

CLAIM OF: **J. R. HOBBS COMPANY,**  
through its attorney,  
**James V. Burgess, Jr.**  
**149 South Cherokee**  
**Social Circle, Georgia 30025**

For damages alleged to have been sustained as a result of statements  
made by certain employees on August 4, 1998 at 55 Trinity Avenue.

THIS ADVERSED REPORT IS APPROVED

BY:

  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY


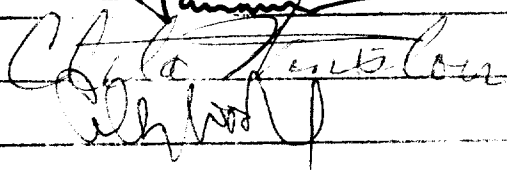
## ADVERSE REPORT

COM P.S. & L.A.

DATE 1/16/01

CHM C.T. Martin

ADVERSED BY JAN 16 2001  
CITY COUNCIL

  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

January 26, 2001

James V. Burgess, Jr.  
Attorney at Law  
149 South Cherokee  
Social Circle, GA 30025

01-R-0026

RE: J. R. Hobbs Company

Dear Attorney Burgess

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **99L0005**

Date: December 27, 2000

Claimant /Victim J. R. HOBBS COMPANY

BY: (Atty) James V. Burges

Address: 149 South Cherokee, Social Circle, Georgia 30025

Subrogation: \_\_\_\_\_ Claim for Property damage \$ not stated Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/07/99 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X

Date of Occurrence 08/04/98 Place: 55 Trinity Avenue

Department: Planning Development and Neighborhood Conservation Division: Buildings

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges it has been damaged and severely injured due to statements made by employees of the Heating, Ventilating and Air Conditioning Division. The City is immune from liability for incidents of this nature pursuant to O.C.G.A. §36-33-1.


## INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ X \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ X \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager: *[Signature]* Concur/date 12/28/00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 2563  
1/16/01  
4:18 PM

Atlanta City Council

Regular Session

Claims

MULTIPLE

Unfavorable Items 9-33

01-R-0012	01-R-0023	ADOPT
01-R-0013	01-R-0024	
01-R-0014	01-R-0025	YEAS: 13
01-R-0015	01-R-0026	NAYS: 0
01-R-0016	01-R-0027	ABSTENTIONS: 0
01-R-0017	01-R-0044	NOT VOTING: 3
01-R-0018	01-R-0045	EXCUSED: 0
01-R-0019	01-R-0047	ABSENT 0
01-R-0020	01-R-0048	
01-R-0021	01-R-0049	
01-R-0022	01-R-0050	
	01-R-0051	01-R-0052

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

MULTIPLE